

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>P6525PC00</b>	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. <b>PCT/EP2004/004381</b>	International filing date (day/month/year) <b>22/04/2004</b>	(Earliest) Priority Date (day/month/year) <b>22/04/2003</b>
Applicant  <b>LEAHY, Patrick</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets

☒ It is also accompanied by a copy of each prior art document cited in this report

**1. Basis of the report**

a With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III)

**4 With regard to the title,**

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

**A DEVICE FOR USE IN SURGERY**

**5. With regard to the abstract,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

**6 With regards to the drawings,**

a. the figure of the drawings to be published with the abstract is Figure No. 2

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/004381

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61B17/34

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Priority	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	<p>US 6 142 936 A (CARROLL MAUREEN E ET AL) 7 November 2000 (2000-11-07)</p> <p>A device for retracting edges of an incision in a surface to form an opening including: a flexible, tubular skirt having an upper end, a lower end. column 5, line 45 - column 6, line 66 column 9, line 53 - column 10, line 52 column 12, line 15 - line 65</p>	<p>1-5, 7-9, 11-13, 15-17, 19</p>
X	<p>US 5 899 208 A (BONADIO FRANK) 4 May 1999 (1999-05-04)</p> <p>Hand access port comprising a sleeve having a proximal end and a distal end. the whole document</p> <p style="text-align: center;">----- -/-</p>	<p>1-5, 8-10, 13, 17</p>



Further documents are listed in the continuation of box C



Patent family members are listed in annex

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

\*G\* document member of the same patent family

Date of the actual completion of the international search

13 September 2004

Date of mailing of the international search report

23/09/2004

Name and mailing address of the ISA

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Authorized officer

Filali, S

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/004381

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No
X	<p>US 5 522 791 A (LEYVA HORACIO A)  4 June 1996 (1996-06-04)  Apparatus for retracting an incision and  inflating an abdominal cavity  column 2, line 65 - column 5, line 43  figures 3-6</p> <p>-----</p>	1,7-13

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/EP2004/004381

## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

- 1 ☒ Claims Nos.: 20  
because they relate to subject matter not required to be searched by this Authority, namely:  
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery
- 2 ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
- 3 ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

- 1 ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims
- 2 ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee
- 3 ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
- 4 ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP2004/004381

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 6142936	A	07-11-2000	US 5906577 A	25-05-1999
			US 2002183594 A1	05-12-2002
			US 6440063 B1	27-08-2002
			AT 245392 T	15-08-2003
			AU 745359 B2	21-03-2002
			AU 7274698 A	24-11-1998
			CA 2288023 A1	05-11-1998
			DE 69816613 D1	28-08-2003
			DE 69816613 T2	15-04-2004
			EP 1312318 A1	21-05-2003
			EP 0981302 A1	01-03-2000
			JP 3181299 B2	03-07-2001
			JP 2000501978 T	22-02-2000
			JP 2001212150 A	07-08-2001
			WO 9848724 A1	05-11-1998
US 5899208	A	04-05-1999	IE 960196 A2	27-08-1997
US 5522791	A	04-06-1996	NONE	